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Via ECF

Honorable Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Malancea v. MZL Home Care Agency LLC*, No. 18 Civ. 00732 (CBA) (CLP)

Dear Judge Pollak:

We write jointly on behalf of the parties to request an in-person status conference with Your Honor regarding Plaintiff's July 26 motion to compel discovery (ECF No. 33).

Discovery in this matter has been effectively stayed since July 26 and is not proceeding pending Your Honor's ruling on Plaintiff's July 26 motion. By way of brief background, on July 26 Defendant advised plaintiff that it believes Your Honor's April 23 initial conference Order (ECF No. 19) limited discovery in this proposed class and collective action to only the Named Plaintiff's payroll records. Now that those payroll records have been produced, Defendant's position is that no further discovery, including discovery regarding Defendant's practices vis-à-vis absent class members is permissible (*see* ECF 34). As set forth in Plaintiff's letter motion (ECF No. 33), Plaintiff believes that Your Honor's initial conference Order simply directed the parties to frontload production of Plaintiffs' payroll records and did not forbid discovery of documents and information beyond the Named Plaintiff's payroll records. Plaintiff's July 26 motion is fully briefed and Plaintiff respectfully suggests that an in-person status conference to discuss reactivating discovery might be the most efficient way to resolve this dispute.

By way of further background, Plaintiff's motion for conditional certification of an FLSA Collective Action (ECF No. 23) and Defendant's Rule 68 motion (ECF No. 32) are both fully briefed. Should Your Honor see fit, we would welcome the opportunity to discuss these motions at the conference as well.

Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ J. Burkett McInturff
J. Burkett McInturff

cc: All Counsel of Record (via ECF)